

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY  
COUNCIL MEETING HELD JUNE 25, 2013**

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**CALL TO ORDER**

At 7:04 p.m. Mayor Bruno called the meeting to order and stated that adequate notice of this meeting has been provided by posting the same on the bulletin board of Town Hall and forwarding a copy to the Courier News and Star Ledger at least forty-eight hours prior to the meeting, all in accordance with the Open Public Meetings Act. This meeting will not go substantially past 10:30 p.m.

**ROLL CALL**

Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley and Mayor Bruno answered present. Mr. Hall was absent. Also present was Township Attorney Joseph Sordillo, Township Administrator Linda Cavanaugh and Township Clerk Ana Minkoff.

**EXECUTIVE SESSION – Contract Negotiations – Lease with Casablanca 17 LLC  
Contract Negotiations – YMCA Land Lease  
Attorney-Client Privilege/Litigation – Carol Matula v. Berkeley Heights**

Moved by Mrs. Kingsley to go into Executive Session, seconded by Mr. Pastore and upon roll call vote:  
**(7:06 p.m.)**

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: Mr. Hall

Moved by Mrs. Kingsley to go out of Executive Session, seconded by Mr. Pastore and upon roll call vote:  
**(7:29 p.m.)**

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: Mr. Hall

**FLAG SALUTE**

Mayor Bruno asked everyone present to stand as he led the Flag Salute.

**CONFERENCE SESSION**

Mayor Bruno asked the Township Attorney to give the Council an update on the court case of Matula v. Berkeley Heights.

Joseph Sordillo, Township Attorney gave an update on the court case of Carol Matula v. Berkeley Heights. It was a case against the Township and the Planning Board challenging its actions and seeking a preliminary injunction restricting the Township from proceeding on any matters relating to a potential land swap with the Little Flower Church as well as the potential redevelopment of the municipal complex. Judge Cassidy dismissed the action without prejudice. Mr. Sordillo explained further in more detail.

## **APPROVAL OF MINUTES**

Moved by Mrs. Kingsley to approve the following Township Council minutes, seconded by Mr. Pastore and carried.

Mr. Delia requested more time to read the minutes in the future. He did not have an opportunity to read these minutes.

Mr. Woodruff felt the Clerk's office was attempting to catch up the minutes. Once they have been caught up, there would be more time to review the minutes when they are done. In the future the minutes would be sent to the Council members as soon as they are done for review.

**Public Meeting – February 19, 2013**

**Public Meeting – March 5, 2013**

**Public Meeting – March 19, 2013**

Upon roll call vote:

Ayes: Mr. Pastore, Mr. Pirone, Mr. Woodruff and Mrs. Kingsley

Nays: None

Abstain: Mr. Delia

Absent: Mr. Hall

## **TOWNSHIP COUNCIL REPORTS**

Mr. Delia said he had asked last year about getting no parking or two hour parking signs by Station Street on Springfield Avenue. He said the same car is parking in that spot again. Mr. Delia has also asked to have the curbs in the Summit Avenue area repainted. They are badly in need of this.

Mayor Bruno asked Bob Bocchino, Director of Public Works to look into this and see if the curbs can be painted. He also asked Mr. Bocchino to get an answer on the parking as well.

Mr. Delia again stressed the need for time clocks for Township employees.

Mayor Bruno said this would be a Council decision.

Mr. Pastore had nothing to report.

Mr. Pirone had nothing to report.

Mr. Woodruff had nothing to report.

Mrs. Kingsley had nothing to report.

Mayor Bruno reported the Amber Pizzo 5K Race was held on Saturday. He added there was little town fair after as well and there were free items given. Mayor Bruno also reported on upcoming activities in town and said the VFW has a pancake breakfast scheduled for Sunday June 30<sup>th</sup>. The first annual Street Fair will also be held on Sunday, June 30<sup>th</sup>. The Mt. Carmel Festival will be held July 12<sup>th</sup>-16<sup>th</sup>.

Linda Cavanaugh, Township Administrator gave an update on the Police Dispatch. The air conditioning has arrived and will be installed within the next day or two. The existing generator will be evaluated and then the company will report back to us on the needs. Mrs. Cavanaugh reported we are moving ahead with the fuel monitoring project. There have been meetings with the staff and Chief Mathis has been very helpful with this. Anyone with a vehicle when filling up with gas will fill out a form and then it will be

given to the Police for recording. Mrs. Cavanaugh also reported she is meeting with Sgt. Dietch and School officials to address the parking problem on Sussex Road. The stream cleaning presentation will be put on the website and a site will be dedicated to this project. Letters will be put in with the tax bills explaining this project. Mrs. Cavanaugh spoke about the stream cleaning project in length. She spoke about using students with the DPW for some projects as well.

Mayor Bruno spoke about the letter that is being included with the tax bills regarding the stream cleaning project. Mayor Bruno also said there is open space money available and it looks very positive we will be able to use that money for this purpose. Mayor Bruno reported we have a new Fire Prevention Official and congratulated Mike Ambrose. The Mayor spoke about changing the title from Fire Official to Fire Marshall. He explained in more detail the difference. Mike Ambrose will address the Council and update them on what is going on and he would also like to be part of the budget process.

Moved by Mr. Pirone to approve and accept the Township Council Reports, seconded by Mr. Woodruff and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: Mr. Hall

### **HEARING ON AGENDA ITEMS ONLY**

Moved by Mr. Pastore to open the Hearing on the Agenda Items Only, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: Mr. Hall

Carol Matula of 5 Hastings Road referred to resolution #6 and asked for an explanation.

Mayor Bruno responded we use the County of Union for printing services.

Joseph Sordillo pointed out that resolution #5 was for printing services and resolution #6 is the amendment to the Interlocal Services Agreement with the County of Union for the Community Development Block Grant.

Mayor Bruno made a correction and said this is a grant for the seniors through the CDBG.

Tom Foregger of 14 Dorsett Road referred to the capital ordinance and said the Police are purchasing thermal monoculars again. He said some were purchased last year as well. He asked how many we have now.

Mayor Bruno responded we have one and we are purchasing another one. This is part of the Chief's capital budget.

Mr. Foregger also had questions on the purchase of the weapons listed in capital ordinance. Mr. Foregger also questioned the wording of the capital ordinance. He asked if the departments are supposed to spend that money specifically on those items.

Joseph Sordillo, Township Attorney responded this is bonding for the various equipment that could be purchased. The actual authorization comes depending on the amount of money involved and what the

actual equipment is either by resolution or purchase order on the bill list. The wording of the ordinance is usually general. Mr. Sordillo explained the capital ordinance further.

A discussion continued with Mr. Foregger asking more questions regarding the ordinance. The Mayor and Township Council responded to Mr. Foregger's questions.

Stephen Yellin of Dogwood Lane referred to Ordinance #1 and asked if this is part of the existing capital plan.

Mayor Bruno responded yes.

Stephen Yellin referred to resolution #5 & 6 and asked if these options will still be available to us if we secede from the County of Union as per the referendum in November. Do we know that there is an existing and equal grant and amount in Morris County for them?

Joseph Sordillo, Township Administrator responded you can have shared services with Counties in other municipalities that are not within your County. It doesn't have to be the County you reside in. We can still keep these contracts with Union County.

Hearing no voices, moved by Mr. Pirone to close the Hearing on the Agenda Items Only, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: Mr. Hall

**NEW BUSINESS- RESOLUTIONS**  
**OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:**

**RESOLUTIONS**

**Mr. Delia introduced the following resolution:**

1. Resolution approving Bill List dated June 25, 2013 in the amount of \$135,352.67.

Moved by Mr. Delia to approve resolution #1, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: Mr. Hall

**Mr. Woodruff introduced the following resolution:**

2. Resolution authorizing the public question and requesting the County Clerk to include on the ballot of the official election. The Township desires to submit the public question of whether the Township should secede from the County of Union and annexation with the county of Morris.

Moved by Mr. Woodruff to approve resolution #2, seconded by Mr. Pastore and carried.

Mr. Woodruff said there is a handout entitled "description of activities to be funded in the 2013-2014 consolidated plan at the County of Union" which is available to the residents. Mr. Woodruff pointed out there is approximately 3.5 million plus being allocated and we are receiving \$14,000. Mr. Woodruff said

we are on the low end of this. Mr. Woodruff continued with his comments regarding the article and where all of this money is going to.

Mayor Bruno said this is not a political but a fiscal issue. Mayor Bruno spoke about the taxes and continued with his comments in length.

Upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: Mr. Hall

**Mr. Pastore introduced the following resolution:**

3. Resolution authorizing an agreement with the Borough of New Providence and the City of Summit for the mutual use of courtroom space in the event of an emergency situation.

Moved by Mr. Pastore to approve resolution #3, seconded Mr. Woodruff and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: Mr. Hall

**Mr. Pirone introduced the following resolution:**

4. Resolution granting permission to Our Lady of Mt. Carmel Society to hold their annual carnival and parade from July 12 - July 16, 2013.

Moved by Mr. Pirone to approve resolution #4, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: Mr. Hall

**Mrs. Kingsley introduced the following resolution:**

5. Resolution authorizing Shared Services Agreement with the County for the provision of printing and signage services for the Township.

Moved by Mrs. Kingsley to approve resolution #5, seconded by Mr. Woodruff and carried.

Mr. Delia pointed out a typo on the first page of the Shared Services Agreement the date of 2012 needed to be removed.

Upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: Mr. Hall

**Mrs. Kingsley introduced the following resolution:**

6. Resolution authorizing an amendment to the Interlocal Services Agreement dated June, 2012 with the County of Union.

Moved by Mrs. Kingsley to approve resolution #6, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: Mr. Hall

**Mrs. Kingsley introduced the following resolution:**

**ADDITION**

7. Resolution approving the request of Berkeley Heights Shopping Center, LLC to install and place a traffic control device at the intersection of Springfield Avenue and Lone Pine Drive.

Moved by Mrs. Kingsley to approve resolution #7, seconded by Mr. Pirone and carried.

Mr. Woodruff said this resolution has been the subject of a lot of discussion by the Council. He feels this is a good resolution and hopefully this will move forward for the good of the town.

Mr. Delia said he has several problems with this. He feels there may be problems with there being only one lane to exit Lone Pine Drive. He is concerned with traffic backup and people using and exiting the gas station. Mr. Delia also feels this will destroy the business for the gas station. He will be voting "no".

Mr. Pirone pointed out that it is important to know that some of the entrances into the shopping center on to Springfield Avenue will be closed. The exit going through Lone Pine Drive and Snyder Avenue will alleviate some of the traffic.

Mrs. Kingsley said there have been multiple meetings held with the land owners and the gas station owner about this project. This is a collection of addressing all of the needs of everyone.

Mr. Pastore added everyone in that area has had an opportunity to give their input.

Mayor Bruno said these plans have been going on since last April. We have met with the surrounding shop owners and they seem to be on board with it. Mayor Bruno also spoke about the Planning Board approval and the engineering professionals that have worked on this project. He feels this is a great addition to the town.

Upon roll call vote:

Ayes: Mr. Pastore, Mr. Pirone, Mr. Woodruff and Mrs. Kingsley  
Nays: Mr. Delia  
Abstain: None  
Absent: Mr. Hall

**CONSENT AGENDA**

All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

**Mr. Pastore introduced the following resolutions:**

**(8)**

- a. Resolution authorizing the Tax Collector to refund the following 2013 tax overpayment:  
Parag & Sangeeta Agarwal      402 Timber Drive      \$2,819.04
- a. Resolution appointing Jeremy Santamaria, 473 Springfield Avenue, to the Berkeley Heights Fire Department active roster.
- b. Resolution granting permission to Garden State Fireworks to hold Fireworks displays during the Mt. Carmel annual feast July 12- July 16, 2013 and on December 31, 2013.

Moved by Mr. Pastore to approve Consent Agenda resolutions #8a-c, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: Mr. Hall

**ORDINANCES**

**INTRODUCTION OF ORDINANCES**

**Public Hearing and Final Adoption scheduled for July 9, 2013:**

The Clerk presented and read:

**(1) “BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$846,907 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$804,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF”.**

Moved by Mr. Woodruff that the ordinance as read by the Township Clerk is offered on first reading and the date of 7/9/13 is set as the date for public hearing and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Pastore and carried.

Mr. Delia said he is voting “no” on the introduction of the Bond ordinance. He went on to say we are borrowing money and paying money on that money whether we use it or not. He doesn’t know if everything is needed. He doesn’t know if we should be borrowing money if we don’t actually need it. Mr. Delia went on further with his remarks in detail.

Mayor Bruno responded to Mr. Delia’s remarks. Mayor Bruno said we are not borrowing money just for the sake of borrowing money to purchase items. The Council has agreed these are things we need to keep our town viable for a long period of time. He went on to talk about the diligence of the Council to develop a capital plan and the future needs of the town. Mayor Bruno continued in length with his comments.

Upon roll call vote:

Ayes: Mr. Pastore, Mr. Pirone, Mr. Woodruff and Mrs. Kingsley  
Nays: Mr. Delia  
Abstain: None  
Absent: Mr. Hall

The Clerk presented and read:

**(2) “CAPITAL ORDINANCE APPROPRIATING \$58,541 FOR VARIOUS CAPITAL IMPROVEMENTS AND ACQUISITIONS IN AND BY THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY.”**

Moved by Mrs. Kingsley that the ordinance as read by the Township Clerk is offered on first reading and the date of 7/9/13 is set as the date for public hearing and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Pastore and carried.

Mayor Bruno went on to read all of the items that are listed in the capital ordinance.

Upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: Mr. Hall

**CITIZENS HEARING**

Moved by Mr. Woodruff to open the Citizens Hearing, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: Mr. Hall

Carol Matula of 5 Hastings Road asked when we went into the budget hearings this year how much unused was in our capital budget. She also asked what our capital improvement budget is this year.

Mayor Bruno responded he will check with the CFO and he will get back to Mrs. Matula with those amounts.

Mrs. Matula asked if this budget is being used to fund the invoices for GRA Associates.

Mayor Bruno responded no.

Tom Foregger of 14 Dorsett Road said he is not sure that is correct. Mr. Forregger spoke about having the general terms in the capital ordinance and spending money on a different item than first listed. He objects to this and said the public does not have time to object to it.

Hearing no voices, moved by Mr. Woodruff to close the Citizens Hearing, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: Mr. Hall



## **ADJOURNMENT**

Moved by Mr. Pirone to adjourn, seconded by Mr. Pastore and upon roll call vote:  
**(8:32 p.m.)**

Ayes:	Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff and Mrs. Kingsley
Nays:	None
Abstain:	None
Absent:	Mr. Hall

**Approved: August 20, 2013**